

CHIACCHIA & FLEMING, LLP
ATTORNEYS AT LAW

5113 South Park Avenue
Hamburg, New York 14075
Telephone: 716-648-3030
Fax: 716-648-0810

ANDREW P. FLEMING
PARTNER

e-mail: andy@cf-legal.com

April 24, 2008

Via Mail & Fax to 914-390-4085

Hon. Charles L. Brieant
U.S. District Court
Southern District of New York
300 Quarropas Street, Room 275
White Plains, New York 10601-4150

RE: Carroll v. City of Mount Vernon

Dear Judge Brieant:

I write on behalf of myself and opposing counsel to respectfully inform the Court that the Defendants in this matter do not oppose the motion recently filed by the Plaintiff to amend his Complaint to add a cause of action under Title VII for alleged unlawful race discrimination. Indeed, defense counsel has informed me that they will not be filing any opposition to same.

Of course, Plaintiff has a short statute of limitations period within which to file a Complaint based on his Title VII cause of action. Specifically, he will need to do so prior to June 19, 2008. Because of this deadline, because Defendants do not oppose the motion for leave to amend and, further, in an effort to conserve judicial resources and energy, it is respectfully requested that this Court allow the parties to simply stipulate to allow Plaintiff to file and serve the proposed Amended Complaint as attached to Plaintiff's motion.

Additionally, the parties have agreed that Defendants will answer or otherwise respond to the Amended Complaint within thirty (30) days from Plaintiff's filing and service of same.

Thank you for your kind consideration in this regard.

Very truly yours,

CHIACCHIA & FLEMING, LLP



Andrew P. Fleming

APF/mns

cc: Jessica Satriano, Esq.

File: S:\MyFiles\CLIENTS\Carroll.Joseph\MountVernon.101\Ltr to judge brieant revised 4.23.08.wpd